IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

Crl.Rev.Pet.No. 2487 of 2007()

CRA.343/2005 of ADDL. SESSIONS COURT(ADHOC)III, PATHANAMTHITTA

CC.487/2004 of JUDL.MAGISTRATE OF FIRST CLASS COURT-II,PATHANAMTHITTA

((A))

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REVN. PETITIONER: REVISION PETITIONER/APPELLANT/ACCUSED

KRISHNAKUMAR @ ASOKAN, S/O.GOPALA KURUP,
MALIMEL KIZHAKKETHIL VEEDU, NELLIKKAL MURI,
KOIPURAM.

BY ADV. SRI.C.S.MANILAL

RESPONDENTS: RESPONDENT/COMPLAINANT

THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.PUZHAKKARA MUHAMMED

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 29/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Crl.R.P. No. 2487 OF 2007

Dated this the 29th day of June, 2007

O R D E R

In this Revision filed under Section 397 read with Sec. 401 Cr.P.C. the petitioner challenges the conviction entered and the sentence passed by the courts below for offences punishable under Sections 279, 337 and 338 IPC read with sections 31 and 181 of the Motor Vehicles Act.

2. I heard the learned counsel for the Revision Petitioner and the learned Public Prosecutor.

3. Even though the learned counsel appearing for the Revisions Petitioner assailed the judgments, the finding recorded by the courts below are on the basis of appreciation of the oral and documentary evidence. Both the courts have believed the prosecution witnesses and sitting in the rarefied revisional jurisdiction, this court will be loathe in interfering with the concurrent findings. I do not find any error, illegality or impropriety in the finding recorded by the courts below.

4. What now survives for consideration is the question as to whether a proper sentence has been imposed on the Revision Petitioner. I am inclined to modify the sentence. Having regard to the facts and circumstances of the case, I am inclined to modify the

sentence imposed on the revision petitioner. Accordingly, if the revision petitioner pays to PW1, the defacto complainant, a sum of Rs.15,000/- (Rupees fifteen thousand only) by way of compensation under section 357(3) Cr.P.C. within three months from today, he need only to undergo imprisonment till rising of the court. If, however, the revision petitioner fails to make the payment as aforesaid, the sentence imposed on him by the trial court shall revive. Money, if any, paid by the revision petitioner pursuant to the orders, if any, passed by the lower appellate court shall be refunded to the revision petitioner.

This Revision is disposed of confirming the conviction but modifying the sentence as above.

Sd/-
(V. RAMKUMAR, JUDGE)

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True Copy

P.A. to Judge